IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.320 OF 2006

Oil and Natural Gas Corporation Ltd. ...Petitioners
V/s.

Dolphin Offshore Enterprises(I)Ltd. ...Respondents

Shri.Para Zaiwala with Pankaj Sawant, Prakash Shinde i/b M.Druva & Co. for the petitioners.
Shri.V.K.Ramabhadran for the respondents.

CORAM : D.K. DESHMUKH, J.
DATED : 29/08/2006

P.C.:-

1. By this petition, petitioners are challenging the award given by the Arbitral Tribunal dated 4th April, 2006 only to the extent that by that award Arbitral Tribunal directs petitioners to make a double payment of Deutsch Mark 47,664.50/- to the respondents and it directs payment of interest on that amount.

2. I have heard the learned counsel for both the sides.

3. Learned counsel appearing on behalf of respondents conceded to modify para 78(i) of the award to eliminate appreciation for making double payment of

the Deutsch Mark 47,664.50/- to the respondents. So far as interest aspect is concerned, that amount was deducted admittedly, on 16th July, 1999. It is also admitted position that during the pendency of Arbitration Petition, petitioners ONGC accepted that amount was wrongfully deducted and therefore, in my view, only interest could have been awarded by the Arbitral Tribunal on that amount with effect from 16th July, 1999 whereas Arbitral Tribunal has awarded interest with effect from 1st November, 1997. Award to that extent is liable to be modified. In this view of the matter therefore, the award is modified to the following extent.

> "Petitioners ONGC to pay claimant, Dolphin Offshore Enterprises (I) Ltd., a sum of Rs.20,466.50/- with interest at the rate of 12% per annum from 16th July, 1999 till payment/ realization."

4. Petition is disposed of. No order as to costs.

(D.K. DESHMUKH, J.)